

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 9, 1858.—Ordered to be printed.

Mr. DURKEE made the following

**REPORT.**

[To accompany Bill S. 129.]

*The Committee on Private Land Claims, to whom was referred the petition of F. A. Underwood and H. A. Crane, heirs of Jehu Underwood, praying confirmation of their title to a certain tract of land, have had the same under consideration, and beg leave to submit a former report of this committee as their present report in this case:*

The petitioners having changed the prayer of the petition from a confirmation of their title for authority to assert their claim before the district court for the northern district of Florida, present a question differing from the original one for consideration.

The petitioners claim title to sixteen thousand acres, being a square of five miles, and being what is known as a "mill grant" in the State of Florida.

This claim, together with another claim for six hundred acres of land for cultivation, was presented to the commissioners appointed to adjust private land claims in the then Territory of Florida, who, on the 27th of September, 1825, rendered the following decision, viz:

"The board find the above to be a valid Spanish concession, the conditions to which have been complied with; but as the quantity of land is undefined by it, and the royal title confirming and ascertaining the quantity is dated after the 24th January, 1818, they report it to Congress for decision."

This decision is headed, "Jehu Underwood vs. The United States, for six hundred acres of land."—(See Am. State Papers, Public Lands, vol. 4, p. 484.)

But as the petition of Jehu Underwood asked for *six hundred acres* for cultivation, and the concession grants *six hundred acres* for that purpose to the petitioner, the above decision would not apply to this concession, since they say "the quantity of land is undefined," and, therefore, must have been in reference to the "mill grant."

In December, 1825, the said commissioners made a report thereon, (Am. State Papers, Public Lands, vol. 4, p. 285,) which is headed "Report No. 6."

“Register of claims derived from the Spanish government by written evidence, *undefined in quantity*, and are ascertained to be valid, and which are recommended to Congress for confirmation.”

In this report, the claim of Jehu Underwood is in the name of *John Underwood*, and it shows the claim to have been founded upon a concession dated the 20th day of May, 1805, and undefined in quantity.

The date of the mill grant is the same as that mentioned in the above report, to wit, the 20th of May, 1805, and is undefined in quantity; whilst the grant for cultivation is dated the 18th of May, 1818, and is for a *defined* quantity, to wit, six hundred acres. It is conclusive, therefore, that this decision and report is upon the claim of Jehu Underwood to the land comprised within five miles square, that being the usual grant for the erection of a mill.

There were two concessions for the erection of this mill—the first, dated May 20, 1805, and the second was in the nature of a confirmation, dated May, 16, 1818. It is to this latter date that the commissioners refer in their decision, when they say: “The royal title confirming and ascertaining the quantity is dated after January 24, 1818.”

Under all the circumstances in this case, the committee, without expressing an opinion upon its merits, and in conformity to the wishes of the petitioners, report the accompanying bill, which provides that the claimants may assert their rights before the district court of the United States for the northern district of Florida.